



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • OCTOBER 12, 2021

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 p.m.
- II. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- IV. **Board Policy:** Chairman Widdis advised the public of the below Board policies: •It is Board Policy that no application will be opened after 9:30 P.M. •No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- V. **Roll Call:**

Attendee Name	Title	Status	Departed
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Absent	
Joseph Foster	Environmental Committee Liaison	Present	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Absent	
Michael Dailey	Alternate I	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	07:11 PM
William White	Board Engineer/Planner	Present	
Richard Tilton	for Board Attorney	Present	

- VI. **Board Business:**
- Report of Pending Applications - Ms. Smith advised of upcoming applications for the Special Meeting on 10/18 continuing the warehouse parcel application; Oct. 26th for 10 Bridgewaters Drive and Barker's Circle parcel and Nov. 9th.
- VII. **Approval of Minutes:**
- Planning/Zoning Board - Special - Oct 20, 2020 7:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle
ABSENT:	Tvrdik, Savarese, Kleiberg, Davis, Dailey

- Planning/Zoning Board - Regular - Dec 22, 2020 7:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle
ABSENT:	Tvrdek, Savarese, Kleiberg, Davis, Dailey

VIII. Old Business:

1. Resolution of Approval - Carpenito, Robert - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. White commented that the plan reflects 13' for the deck and 1' for the retaining wall. Mr. Kennedy will revise the resolution to reflect the additional description. Mr. Foster made a motion to approve the Resolution as amended, which was seconded by Mr. Whitson and received the below roll call:

RESULT:	ADOPTED AS AMENDED [3 TO 0]
MOVER:	Joseph Foster, Environmental Committee Liaison
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Foster
ABSENT:	Tvrdek, Savarese, Kleiberg, Davis, Dailey
INELIGIBLE:	Cooper, Kahle

IX. New Business:

1. PB2021-17 West End-KB,LLC

Motion to Carry Application with no additional notice required

Mr. Kennedy advised that due to a lack of quorum for this "use" application, the notice was reviewed and was found to be in order with no objections by the public and the Board could accept jurisdiction and carry the application to the October 26, 2021 meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Christopher Widdis, Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Widdis, Whitson, Cooper, Foster, Kahle
ABSENT:	Tvrdek, Savarese, Kleiberg, Davis, Dailey

Mr. Kennedy exited the meeting at 7:11 PM due to a conflict with the next matter.

2. PB2021-18 KENNETH RUBY ENTERPRISES

66 Shrewsbury Ave
Block 2, Lot 25
Bulk variance for lot width

EXHIBITS

A-1 Land Development Application

A-2 Plan entitled "Proposed New Single-Family Residence for: Kenneth Ruby Jr. Enterprises" prepared by Maxine Gustus-Giordano, AIA, last revised April 20, 2020, consisting of five (5) sheets.

A-3 "Plot Plan," (1) Sheet, prepared by Key Engineering Enterprises, Inc, dated August 9, 2020

A-4 Colliers Engineering & Design Review Letter dated August 27, 2021

A-5 Height Calculation Statement prepared by Maxine Giordano, Architect, dated April 23, 2021

Mr. Tilton asked if there was anyone from the public with a question as to the sufficiency of the notice. While waiting for the public to respond. Ms. Smith then described and marked Exhibits A-1, A-2, A-3, A-4. As there were no objections to the notice, Mr. Tilton and Ms. Smith advised that the notice was found to be in order.

Michael Pugliese, Attorney for Applicant, appearing.

Kenneth Ruby, Sr., Principal Owner of Applicant, was sworn in and provided testimony on ownership of the property, existing lot conditions and proposal to construct a single-family home on a lot needing variance for lot width. The project complies with all other bulk requirements. Mr. Ruby referring to the Plot Plan, described the proposed setbacks and coverages.

Chairman Widdis invited questions from Mr. White and Board members.

Mr. White commented that the plan does not show the house location for adjacent lot 27 – only a reference to previous survey. Also, he would like to see water flow from roof directed to the front of the property at the street as there is currently a sump condition in the rear due to low area.

Mr. Pugliese commented that they would add that to the plans.

Mr. Kahle asked questions about drainage in the rear yard. Mr. White responded that the lot as it exists drains to the rear. His recommendation is to have roof runoff volume directed to the street.

Mr. Whitson asked Mr. White to confirm that if the gutters are set properly there will be less water to the back then before.

Mr. White responded that doesn't have that calculation because it goes from woods (with minimal runoff) to a house (that creates a lot of runoff). He confirmed Mr. Whitson's question "but with the raising of the lot and directing gutters to the street should improve the situation for the neighbors".

Mr. Foster also expressed concern that it be ensured that runoff would not be any worse and provide for a plan to ensure runoff from the roof is directed away from that area. Mr. Pugliese stated the Applicant will comply.

Ms. Cooper commented that she was fine as long as the drainage was directed to the street and not towards the neighbor.

Chairman Widdis asked Mr. White if the Applicant would have to prepare a stormwater presentation. Mr. White answered no, as this is not a major project being less than acre lot nor creating more than ¼ acre of impervious.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness.

Joe Valentino, 70 Shrewsbury Ave, owner of Lot 24, stated that it is flat grade with no curbing, gutters, or storm drains and asked where the water would go at the street. Mr. White answered it heads southeasterly. Mr. Valentino added Branchport Avenue or the lowest level.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

Mr. Ruby referring to the Architect's plan, described the proposed house, its characteristics, colonial style, crawl space foundation, attached garage, front porch, total living areas.

Chairman Widdis invited questions from Mr. White and Board members.

Mr. White had no questions.

Ms. Cooper asked about 2nd floor room 15x20 and was told it was master walk-in closet.

Mr. Kahle asked if there would be electric in there and was told yes.

Mr. Whitson asked what was the height of the building. Mr. Ruby responded 31.49'. Mr. Pugliese referenced the architect's height calculation statement which was marked as Exhibit A-5.

Mr. Foster asked if height was calculated from the crown of the road and was told yes.

Mr. White commented that there was no height variance being sought or Mr. Johnson would have denied it.

Mr. Kahle asked about the height of the collar ties for the walk-up attic. Mr. Ruby reviewed the plans and responded that he didn't have that number but it would be conventional attic space and no living space was proposed.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness testimony.

Joe Valentino, 70 Shrewsbury Ave, asked about the attic access was it a pull-down stair or walk up and was told walk-up.

Mr. Valentino asked what was the height from the floor of the attic to the roof and was told approximately 6'. Mr. Valentino expressed concern about the area being converted to living space instead of just using it for storage.

Ms. Cooper asked the Applicant if they would agree to no heating, cooling etc in that area. The Applicant advised that the area would be for storage and mechanicals.

Mr. White recommended that a condition of the resolution be that the space shall not be living space which the Applicant agreed to.

Chairman Widdis requested that the Applicant be concerned about any lighting on the property being directed downward and away from neighbors. He also commented that the one outdoor stairs does not show any pavement/landing and be aware that it would impact coverage. None was planned.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

PUBLIC: Chairman Widdis opened the hearing to comments from the public on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application with Conditions

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle
ABSENT:	Tvrdik, Savarese, Kleiberg, Davis, Dailey

- X. **Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.
- XI. **Adjournment:** As there was no further business, the meeting was adjourned at 7:49 pm on a motion by Mr. Whitson which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary